HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

PATENT APPLICATION

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IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Alejandro Wiechers et al.

Confirmation No.: 6165

Application No.: 09/816,816

Examiner: William D. Hutton Jr.

Filing Date: Mar. 22, 2001

Group Art Unit: 2176

Title: Document Processing Systems With Scanning Review Capability

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TRANSMITTAL OF APPEAL BRIEF

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on 3/16/2006.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) $500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

☐ 1st Month $120	☐ 2nd Month $450	☐ 3rd Month $1020	☐ 4th Month $1590

☐ The extension fee has already been filed in this application.

☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of $ 500. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

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Respectfully submitted,

Alejandro Wiechers et al.

By

Steven [illegible]
Attorney/Agent for Applicant(s)

Reg No. : 35,974

Date : May 16, 2006

Telephone : 208-433-1991

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: A. Weichers et al.	Confirmation Number: 6165
	Group Art Unit: 2176
Serial No.: 09/816,816	Examiner: William D. Hutton, Jr.
Filed: 3/22/01	Attorney Docket No. 10003930-1

Title: DOCUMENT PROCESSING SYSTEMS WITH SCANNING REVIEW CAPABILITY

APPELLANTS'/APPLICANTS' OPENING BRIEF ON APPEAL

1. REAL PARTY IN INTEREST.

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holding, LLC.

2. RELATED APPEALS AND INTERFERENCES.

There are no other appeals or interferences known to Appellants, Appellants' legal representative or the Assignee which will affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

3. **STATUS OF CLAIMS.**

Claims 1, 3-4, 6-17 and 19-36 are pending. Claims 2, 5 and 18 have been canceled. All pending claims have been rejected. The rejection of all pending claims is appealed. Only the pending claims are listed in Appendix I.

4. **STATUS OF AMENDMENTS.**

The amendment filed January 3, 2006 after the final action has been entered.

5. **SUMMARY OF CLAIMED SUBJECT MATTER.**

The claims relate to determining if a page was properly aligned for scanning by reviewing a selected characteristic of the page.

Claim 1, for example, is directed to a document processing system (e.g., system 10 in Fig. 1) that includes a scan review system (e.g., system 100 in Fig. 1 and Specification page 4, lines 19-20) configured to enable selection of a registration characteristic of a page of a document to be scanned (e.g., block 202 in Fig. 2 and Specification page 5, lines 7-9), review image data corresponding to scanned pages of the document relative to the selected registration characteristic (e.g., block 204 in Fig. 2 and Specification page 5, lines 12-18, page 10, lines 11-14 and page 11, line 22 through page 12, line 6), and, based on the review, determine if pages of the document were properly aligned for scanning (e.g., Specification page 6, lines 7-11). The registration characteristic is at least one of a top line, top margin, bottom line, bottom margin, left margin or right margin (e.g., Specification page 5, lines 9-12).

Claim 14, for example, is directed to a method that includes: enabling selection of a registration characteristic (e.g., block 202 in Fig. 2 and Specification page 5, lines 7-9) that is at least one of a top line, top margin, bottom line, bottom margin, left margin or right margin (e.g., Specification page 5, lines 9-12); reviewing image data corresponding to scanned pages of the document relative to the selected registration characteristic (e.g., block 204 in Fig. 2 and Specification page 5, lines 12-18, page 10, lines 11-14 and page 11, line 22 through page 12, line 6); based on the act of reviewing, determining if the pages of the document were properly aligned for scanning (e.g., Specification page 6, lines 7-11); and enabling receipt of scan information corresponding to the pages of the document (e.g., block 208 in Fig. 2 and Specification page 6, lines 18-19).

Claim 23, for example, is directed to a method the includes enabling selection of a characteristic of a page of the document (e.g., block 202 in Fig. 2 and Specification page 5, lines 7-9), scanning a page of the document (e.g., Specification page 10, lines 11-14 and page 11, line 22 through page 12, line 1; see also Specification page 6, lines 13-17), reviewing the scanned page for the selected characteristic (e.g., block 204 in Fig. 2 and Specification page 5, lines 12-18), and based on the act of reviewing, determining if the scanned page was properly aligned for scanning (e.g., Specification page 6, lines 7-11).

Claim 28, for example, is directed to a method that includes enabling selection of a margin characteristic of a page of the document (e.g., block 202 in Fig. 2 and Specification page 5, lines 7-12), scanning a page of the document (e.g., Specification page 10, lines 11-14 and page 11, line 22 through page 12, line 1; see also Specification page 6, lines 13-17), reviewing the scanned page for the selected margin characteristic (e.g., block 204 in Fig. 2 and Specification page 5, lines 12-18), and determining that the scanned page was not properly aligned if the scanned page does not exhibit the selected margin characteristic (e.g., Specification page 6, lines 7-11).

Claims 30 and 35 are computer readable medium counterparts to Claims 23 and 28, respectively.

Claim 30 is directed to a computer readable medium (e.g., Specification page 7, line 1 through page 8, line 6) having instructions thereon for enabling selection of a characteristic of a page of the document (e.g., block 202 in Fig. 2 and Specification page 5, lines 7-9), scanning a page of the document (e.g., Specification page 10, lines 11-14 and page 11, line 22 through page 12, line 1; see also Specification page 6, lines 13-17), reviewing the scanned page for the selected characteristic (e.g., block 204 in Fig. 2 and Specification page 5, lines 12-18), and based on the act of reviewing, determining if the scanned page was properly aligned for scanning (e.g., Specification page 6, lines 7-11).

Claim 35 is directed to a computer readable medium (e.g., Specification page 7, line 1 through page 8, line 6) having instructions thereon for enabling selection of a margin characteristic of a page of the document (e.g., block 202 in Fig. 2 and Specification page 5, lines 7-12), scanning a page of the document (e.g., Specification page 10, lines 11-14 and page 11, line 22 through page 12, line 1; see also Specification page 6, lines 13-17), reviewing the scanned page for the selected margin characteristic

(e.g., block 204 in Fig. 2 and Specification page 5, lines 12-18), and determining that the scanned page was not properly aligned if the scanned page does not exhibit the selected margin characteristic (e.g., Specification page 6, lines 7-11).

6. GROUNDS OF REJECTION TO BE REVIEWED.

1. Sturgeon (6466336) does not teach determining if a page is properly aligned for scanning. The Examiner's assertion to the contrary is not correct. Ground No. 1 applies to the Section 102 and 103 rejections of all pending claims.

2. Liu's (6735335) layout attribute analyzer does not verify the size of the margins on a scanned page. The Examiner's assertion to the contrary is not correct. Ground No. 2 applies to the Section 103 rejection of Claims 1, 3-4, 6-17, 19-22, 27-29 and 34-36.

7. ARGUMENT.

GROUND NO. 1

Sturgeon does not teach determining if a page is properly aligned for scanning. (All Pending Claims)

Claims 23-26 and 30-33 were rejected under Section 102 as being anticipated by Sturgeon (6466336). Claims 1, 3-4, 6-17, 19-22, 27-29 and 34-36 were rejected under Section 103 as being obvious over Sturgeon (6466336) in view of Liu (6735335). The rejections under both Sections 102 and 103 are based on the assertion that Sturgeon teaches determining if a page is properly aligned for scanning.

To support the rejection under Section 102, the Examiner must show that Sturgeon describes every element of the claimed invention with sufficient clarity and detail to establish that the subject matter existed and that its existence was recognized by those having ordinary skill in the pertinent art. See e.g., W. L. Gore & Associates v. Garlock, Inc., 721 F.2d 1540 (Fed. Cir. 1983) and ATD Corp. v. Lydall, Inc., 159 F.2d 534 (Fed. Cir. 1998). The Examiner bears the burden of establishing a prima facie case of obviousness which includes showing that the prior art references teach or suggest all claim limitations. See e.g., MPEP § 2143.

Claim 23 recites determining if the scanned page was properly aligned for scanning. Claims 1, 14, 28, 30 and 35 recite similar limitations.

Sturgeon teaches the use of page designations to: collate pages in a scanned document when the scanning page order is not the same as the desired document page order (column 6, lines 31-34 and column 7, lines 9-13); determine inconsistencies in the orientation of pages in a scanned document (column 6, lines 37-53); and compare the total number of pages scanned with a desired or anticipated number of pages (column 8, lines 49-52). In Sturgeon, so-called "misfed" pages are identified "by comparing the number of pages actually scanned to a desired or predetermined number." Sturgeon, column 5, lines 54-57.

There is no teaching in Sturgeon that page designations (or any other page characteristic) are used to determine that a page is or is not properly aligned for scanning. The Examiner apparently does not disagree with this assessment of Sturgeon. Rather, the Examiner has read the alignment limitation out of the claims. At page 4 of the final Office Action, the Examiner states:

> The examiner interprets the phrase "*properly aligned for scanning*" to mean that a determination is made as to whether a registration characteristic for a scanned page **corresponds with** a user-selected registration characteristic. This interpretation corresponds to the present invention, as described in the Specification, which states that "For instance, if, during the review of a page, it is determined that the registration characteristic of that page **does not correspond**, *e.g.*, **is not properly aligned**, with the selected registration characteristic, correction of the page may be facilitated".... (emphasis in original)

"E.g." means for example. Therefore, the passage in the Specification quoted by the Examiner means that alignment is one example of a correspondence between registration characteristics. This passage in no way generalizes the definition of alignment to include any correspondence between registration characteristics (or any other characteristic of a page). "Determining if the scanned page was properly aligned for scanning" does not mean determining inconsistencies in the orientation of pages in a scanned document (Sturgeon column 6, lines 37-53) or comparing the total number of pages scanned with a desired or anticipated number of pages (Sturgeon column 8, lines 49-52) or determining any correspondence for a characteristic of a page of a document other than the correspondence of alignment. And, Sturgeon clearly does not teach the correspondence of alignment.

Sturgeon does not teach every element of Claims 23 and 30. Sturgeon, therefore, does not support the Section 102 rejection of Claims 23-26 and 30-33. For

this same reason, the combination of Sturgeon and Liu does not teach or suggest all of the limitations of Claim 1, 14, 28 and 35. The Examiner has, therefore, failed to carry his burden of establishing a prima facie case of obviousness as to Claims 1, 3-4, 6-17, 19-22, 27-29 and 34-36. The rejections based on Sturgeon should be reversed.

GROUND NO. 2

Liu's layout attribute analyzer does not verify the size of the margins on a scanned page.
(Claims 1, 3-4, 6-17, 19-22, 27-29 and 34-36)

Claims 1, 3-4, 6-17, 19-22, 27-29 and 34-36 were rejected under Section 103 as being obvious over Sturgeon (6466336) in view of Liu (6735335). The Examiner bears the burden of establishing a prima facie case of obviousness which includes showing that the prior art references teach or suggest all claim limitations. See e.g., MPEP § 2143.

Claim 14 recites enabling selection of a registration characteristic of a page of the document, wherein the registration characteristic is at least one of a top line, top margin, bottom line, bottom margin, left margin or right margin; reviewing image data corresponding to scanned pages of the document relative to the selected registration characteristic; and based on the act of reviewing, determining if the pages of the document were properly aligned for scanning. Claim 1 recites similar limitations.

Claim 28 recites enabling selection of a margin characteristic of a page of the document, scanning a page of the document, reviewing the scanned page for the selected margin characteristic, and determining that the scanned page was not properly aligned if the scanned page does not exhibit the selected margin characteristic. Claim 35 recites similar limitations.

The rejections under Section 103 are based on the assertion that Liu teaches a layout attribute analyzer that verifies the size of the margins on a scanned page. This assertion is not correct. Liu teaches the use of page layout attributes such as page numbers, page headers, page footers, heading and captions, to determine whether or not scanned pages belong to the same document. Liu, column 7, lines 26-30. Liu does not mention a margin or margins – neither term appears in Liu.

The Examiner acknowledges that Liu does not explicitly teach a margin or margins. Rather, the Examiner asserts that Liu "teaches the disputed limitation without using the words 'margin' or 'margins.'" In support of this proposition, the Examiner states:

> The document handling system in Liu expressly teaches "general layout attributes" of scanned pages that are compared by measuring the overlap area between regions on separate pages and their size similarity. The system then judges the degree of overlap and size similarity between the regions to determine whether a sufficient degree of similarity or dissimilarity is shown. See Liu – Column 8, Lines 50-58. The attributes are then used to determine whether successive scanned pages belong to the same document. See Liu – Column 7, Lines 55-62. These portions of Liu clearly teach computer software that operates in conjunction with a scanner, wherein the software analyzes characteristics (i.e., margins) of the scanned documents. Final Office Action, pages 28-29.

In the Advisory Action, the Examiner explains that "the 'margin' limitations recited in the claims read on the 'overlap area' disclosed in Liu." This "overlap area" is mentioned in only one passage in Liu, as follows:

> In one embodiment, general layout attributes are initially compared by measuring the overlap area between regions on separate pages and their size similarity. In a preferred embodiment, the degree of overlap and size similarity is weighted according the difference (or similarity) of line and text statistics for the overlapping regions. These weighted metrics are then judged, for example through threshold comparisons, to determine whether a sufficient degree of similarity or dissimilarity is shown. Liu column 8, lines 50-53.

Liu does not define, describe or give examples of any overlap area or the regions between which the overlap areas are measured. It is, therefore, pure speculation for the Examiner to conclude that these undefined overlap areas are margins.

Liu, however, does say that "the degree of overlap and size similarity is weighted according the [sic] difference (or similarity) of line and text statistics for the overlapping regions." Liu, column 8, lines 52-55. Margins are typically empty space. Even if one assumes that page numbers, headers, footers and the like might appear in a margin, reference to "line and text statistics" suggests the main body of the text, not a margin. If one were to guess, therefore, a more accurate guess would be that the overlap areas are measured between regions of the main body of text, not from whatever minimal text

might appear in a margin. In any event, guessing is irrelevant to establishing a prima facie case of obviousness under Section 103.

The combination of Sturgeon and Liu does not teach or suggest all of the limitations of Claims 1, 14, 28 and 35 and their respective dependent claims and, therefore, the Examiner has failed to carry his burden of establishing a prima facie case of obviousness.

Respectfully submitted,

/Steven R. Ormiston/

Steven R. Ormiston
Attorney for Appellants
Reg. No. 35,974
(208) 433-1991

APPENDIX I -- CLAIMS INVOLVED IN THE APPEAL

1. A document processing system for providing information corresponding to a scanned document, said document processing system comprising:

a scan review system configured for receiving scan information corresponding to a scanned document, said scan review system being configured to enable selection of a registration characteristic of a page of a document to be scanned, review of image data corresponding to scanned pages of the document relative to the selected registration characteristic, and, based on the review, determine if pages of the document were properly aligned for scanning such that, in response to identifying a page of the document as not being properly aligned for scanning, said scan review system designates the page for review, wherein the registration characteristic is at least one of: top line, top margin, bottom line, bottom margin, left margin or right margin; and

a scanner communicatively coupled to said scan review system, said scanner being configured to receive the document to be scanned and convert printed information of each page of the document into scan information, the scan information being provided in an electronic format to said scan review system.

3. The document processing system of claim 1, wherein said scan review system is configured to provide a graphical user interface, said graphical user interface being configured to enable selection of the registration characteristic.

4. The document processing system of claim 1, wherein said scan review system comprises means for enabling selection of the registration characteristic.

6. The document processing system of claim 3, wherein said scan review system is configured to determine a page number of each page of a document to be scanned and to designate scan information corresponding to pages of the document that are not scanned in page order.

7. The document processing system of claim 3, wherein said scan review system comprises:

means for determining a page number of each page of a document to be scanned; and

means for designating scan information corresponding to pages of the document that are not scanned in page order.

8. The document processing system of claim 3, wherein said scan review system is configured to generate two files associated with each page of a document to be scanned, a first of said files containing page content information and a second of the files containing page number information, said scan review system being further configured to utilize the page number information to arrange the page content information in page number order.

9. The document processing system of claim 3, wherein said scan review system is embodied on a computer readable medium.

10. The document processing system of claim 3, wherein said graphical user interface provides a page viewing window configured to display therein scan information corresponding to a page of the document to be scanned.

11. The document processing system of claim 9, wherein said scan review system comprises logic configured to designate pages of the document that were not scanned in page order.

12. The document processing system of claim 10, wherein said graphical user interface is configured to provide an operator with information indicating the pages of the document that were not scanned in page order.

13. The document processing system of claim 10, wherein said graphical user interface provides a page number field, said page number field being moveable by an operator about said page viewing window such that a location corresponding to a page number of a page to be scanned may be designated, and wherein said scan review system is configured to process scan information located in a vicinity of said page number field to determine the page number of the page.

14. A method for providing information corresponding to a scanned document comprising:

enabling selection of a registration characteristic of a page of the document, wherein the registration characteristic is at least one of: top line, top margin, bottom line, bottom margin, left margin or right margin;

reviewing image data corresponding to scanned pages of the document relative to the selected registration characteristic;

based on the act of reviewing, determining if the pages of the document were properly aligned for scanning; and

enabling receipt of scan information corresponding to the pages of the document.

15. The method of claim 14, wherein the determining comprises identifying pages not properly exhibiting the selected registration characteristic.

16. The method of claim 14, further comprising:

determining whether a current page of the document to be scanned corresponds to an expected page number; and

if the current page number does not correspond to the expected page number, designating the current page for review.

17. The method of claim 14, further comprising preparing an e-file corresponding to the document to be scanned.

19. The method of claim 17, wherein the step of preparing an e-file comprises:

generating, for each page scanned, a first file containing page content information;

generating, for each page scanned, a second file containing page number information, each second file being associated with a respective first file; and

utilizing the second files so as to arrange the page content information of the first files in page number order.

20. The method of claim 19, further comprising:

identifying pages missing from the e-file;

scanning the missing pages; and

providing page content information associated with the missing pages to the e-file such that the page content information is arranged in page number order.

21. The document processing system of claim 3, wherein the graphical user interface is configured to enable an operator to position the registration characteristic selected such that the scan review system compares a position of a document for scanning relative to the position of the registration characteristic selected.

22. The method of claim 14, further comprising:

enabling an operator to position the registration characteristic selected such that a position of a document for scanning can be compared to the position of the registration characteristic selected.

23. A method for providing information corresponding to a scanned document comprising:

enabling selection of a characteristic of a page of the document;

scanning a page of the document;

reviewing the scanned page for the selected characteristic; and

based on the act of reviewing, determining if the scanned page was properly aligned for scanning.

24. The method of Claim 23, further comprising repeating scanning, reviewing and determining for each page of the document.

25. The method of Claim 23, further comprising designating the scanned page for review if it is determined that the scanned page is not properly aligned for scanning.

26. The method of Claim 23, wherein:

reviewing the scanned page for a selected characteristic comprises determining if the scanned page exhibits the selected characteristic; and

determining if the scanned page is properly aligned for scanning comprises determining that the scanned page is not properly aligned if it is determined that the scanned page does not exhibit the selected characteristic.

27. The method of Claim 23, wherein enabling selection of a characteristic of a page of the document comprises enabling selection of one of more of a position of a top line or a bottom line of the page, or a size of a top margin, bottom margin, left margin or right margin of the page.

28. A method for providing information corresponding to a scanned document comprising:

enabling selection of a margin characteristic of a page of the document;

scanning a page of the document;

reviewing the scanned page for the selected margin characteristic; and

determining that the scanned page was not properly aligned if the scanned page does not exhibit the selected margin characteristic.

29. The method of Claim 28, further comprising repeating scanning, reviewing and determining for each page of the document.

30. A computer readable medium having instructions thereon for:

enabling selection of a characteristic of a page of the document;

scanning a page of the document;

reviewing the scanned page for the selected characteristic; and

based on the act of reviewing, determining if the scanned page was properly aligned for scanning.

31. The computer readable medium of Claim 30, further comprising instructions for repeating scanning, reviewing and determining for each page of the document.

32. The computer readable medium of Claim 30, further comprising instructions for designating the scanned page for review if it is determined that the scanned page is not properly aligned for scanning.

33. The computer readable medium of Claim 30, wherein:

the instructions for reviewing the scanned page for a selected characteristic comprise instructions for determining if the scanned page exhibits the selected characteristic; and

the instructions for determining if the scanned page is properly aligned for scanning comprise instructions for determining that the scanned page is not properly aligned if it is determined that the scanned page does not exhibit the selected characteristic.

34. The computer readable medium of Claim 30, wherein the instructions for enabling selection of a characteristic of a page of the document comprise instructions for enabling selection of one of more of a position of a top line or a bottom line of the page, or a size of a top margin, bottom margin, left margin or right margin of the page.

35. A computer readable medium having instructions thereon for:

enabling selection of a margin characteristic of a page of the document;

scanning a page of the document;

reviewing the scanned page for the selected margin characteristic; and

determining that the scanned page was not properly aligned if the scanned page does not exhibit the selected margin characteristic.

36. The computer readable medium of Claim 35, further comprising instructions for repeating scanning, reviewing and determining for each page of the document.

APPENDIX II – EVIDENCE SUBMITTED UNDER RULES 130, 131 OR 132

none

APPENDIX III -- RELATED PROCEEDINGS

none